IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.R. No.548 of 2007

Date of Decision: 22.3.2007

Gurbhej Singh and another

....Petitioners.

Versus

State of Punjab.

...Respondent.

Present:- Mr.Amit Choudhary,Advocate
for the petitioners.

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S.S.SARON, J.(ORAL)

This revision petition has been filed against the charge that has been framed against the petitioners by the learned Chief Judicial Magistrate, Ludhiana on 14.12.2006.

In terms of the charge framed it has been stated that Gurbhej Singh (petitioner No.1) and Gargaj Singh (petitioner No.2) along with Amarjit Singh (non-petitioner) and Jasvir Singh (non petitioner) on 29.11.2005 at about 12 noon in the area of New Courts Ludhiana, wrongfully restrained PW Sukhwinder Singh and thereby committed an offence punishable under Section 341 IPC. Besides, the above said accused caused simple hurt on the person of said PW Sukhwinder Singh and thereby committed an offence punishable under Section 323 IPC. Thirdly, the said accused hurt the religious feelings of Sukhwinder Singh and thereby committed an offence punishable under Section 295 IPC. Lastly, Jasvir Singh (non petitioner) in furtherance of the common intention of the other

co-accused i.e. Amarjit Singh (non-petitioner) Gurbhej Singh (petitioner No.1) and Gargaj Singh (petitioner No.2) voluntarily caused grievous hurt on the person of PW Sukhwinder Singh and thereby Jasvir Singh (non-petitioner), accused committed an offence punishable under Section 325 IPC whereas the other co-accused committed offence punishable under Section 325 read with section 34 IPC. The accused have pleaded not guilty to the charge and claimed trial.

Learned counsel for the petitioners has submitted that in fact no injury was inflicted by the petitioners to the complainant rather in the compromise statement which was arrived at with the help of Panchayat, the complainant Sukhwinder Singh himself admitted that the petitioners were not present there and the role attributed to the petitioners was that they had taken away the purse of the complainant containing Rs.3000/- as also the turban of the complainant. It is further contended that civil litigation regarding the property is pending between the complainant and accused Jasvir Singh and Amarjit Singh (non petitioners) and the present FIR was a counter blast of the Civil litigation,.

After giving my thoughtful consideration to the matter, it may be noticed that nothing has been placed on record to show that such grounds were raised by the petitioner at the time of framing charge before the learned trial Magistrate. Even otherwise the matter with regard to the compromise that has been arrived at and whether the petitioners had caused any injury on the person of Sukhwinder Singh is to be considered and determined on appreciation of evidence. This Court at this stage is not to examine the veracity of the facts and see whether the case would ultimately

be established or not for that is the function of the trial Magistrate.

In the circumstances, no ground for interfering with the charge that has been framed by the learned Trial Court is made out.

Consequently, the criminal revision petition is dismissed.

(S.S.SARON)
JUDGE

March 22,2007
Reema